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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,318	08/22/2001	David Dale Ricke	CHA920010008US2	1462
23550	7590	08/27/2004	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			KENDALL, CHUCK O	
3 E-COMM SQUARE			ART UNIT	
ALBANY, NY 12207			PAPER NUMBER	
			2122	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/935,318

Applicant(s)

RICKE, DAVID DALE

Examiner

Chuck Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) \*
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the application filed 08/22/01.
2. Claims 1 – 29 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1 – 3, & 5 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Douik et al. USPN 6,012,152.

Regarding claim 1, a framework for providing information technology solutions, the framework comprising:

a first knowledge base of characteristics that describe products and functions, wherein a combination of products performs a set of functions (20: 45 – 50, see I-MIB 36);

a second knowledge base that manages relationship information regarding the interactions of products and defines all valid product combinations, wherein each valid product combination forms a network unit (23:48 –52, see MIB 37); and

a third knowledge base that manages information regarding the interconnectability of network units, wherein a valid combination of network units comprises a configuration (20:52 – 57, see knowledge base 38 and model 39).

Regarding claim 2, the framework of claim 1, wherein the first knowledge base of

characteristics includes generic characteristics that describe a set of products or functions having similar characteristics (25:60-65).

Regarding claim 3, the framework of claim 1, wherein the second knowledge base includes generic network units that describe a set of network units that perform similar functions (17: 50 –67, see managed objects sharing same attributes, behavior, etc).

Regarding claim 5, the framework of claim 1, wherein each configuration comprises at least one network unit partnership (21:22 – 26, see telecommunication and MTA, which is understood be a networked system of subscribers).

Regarding claim 6, the framework of claim 1, further comprising a key word search engine that allows characteristics to be searched (16:65 –67).

Regarding claim 7, the framework of claim 1, further comprising a solution knowledge base, wherein each solution includes a set of customer specific configurations (28: 24 – 30, see technical solution, troubleshooting and description).

Regarding claim 8, the framework of claim 7, further comprising a box knowledge base that includes a product listing for each solution in the solution knowledge base(28: 24 – 30, see suspected products and the products).

Regarding claim 9, the framework of claim 8, further comprising a network knowledge base that includes a set of boxes (28:10 – 13, see dialogue boxes).

Regarding claim 10, the framework of claim 9, further comprising a customer knowledge base that includes customer specific information (9: 20 –25, see customer trouble reports).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 & 11 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douik et al. USPN 6,012,152 in view of Abeyta USPN 6,628,285 B1.

Regarding claim 4, Douik discloses all the claimed limitations as applied in claims 1 above. Although, Douik doesn't explicitly disclose wherein each cloud describes a set of possible configurations that can fulfill a predetermined function, Douik does disclose in 21:20 – 27, a model description and corresponding graphical representation. Abeyta in an analogous art discloses a cloud tool for creating, and viewing illustrations of a network systems 3: 40 – 65, including DBMS, see 4: 15 – 30 as well as being able to manipulate the clouds to perform changes, design suggestions, comments and provide design information 5:13 – 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Douik and Abeyta because, using the clouds to represent the system would enable the system to be more visual as well as provide editing for the marked up designs (2: 25 – 33).

Regarding claim 11, Douik discloses all the claimed limitations as applied in claims 4 above. Although, Douik doesn't explicitly disclose a solution advisor tool comprising: a system for specifying the solution using a selected cloud, a system for replacing the selected first cloud with a set of clouds, a system for replacing the selected cloud with at least one configuration, a system for replacing a selected configuration with at least one network unit, and a system for replacing a generic network unit with a specific network unit, Douik does disclose in 21:20 – 27, a model description and corresponding graphical representation. Abeyta in an analogous art discloses a cloud tool for creating, and viewing illustrations of a network systems 3: 40 – 65, including DBMS, see 4: 15 – 30 as well as being able to manipulate the clouds to perform changes, design suggestions, comments and provide design information 5:13 – 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Douik and Abeyta because, using the clouds to represent the system would enable the system to be more visual as well as provide editing for the marked up designs (Abeyta, 2: 25 – 33).

Regarding claim 12, Abeyta, further discloses the framework of claim 11, wherein the solution advisor tool further comprises a system for replacing a generic characteristic with a specific characteristic (Abeyta, 6: 5 – 16, for replacing generic characteristics see, creating and manipulating geometry).

Regarding claim 13, which recites similarly as claim 4, which depends on claim 1, see reasoning above as previously discussed.

Regarding claim 14, the solution advisor tool of claim 13, further comprising a fifth database of keywords (Douik, 7: 33 – 40, see key issues, indexing cases episodic memory).

Regarding claim 15, the solution advisor tool of claim 13, further comprising a sixth knowledge base of valid network unit partners (Douik, 34: 17 –20).

Regarding claim 16, see claim 12 for reasoning.

Regarding claim 17, see claim 12 for reasoning.

Regarding claim 18, Abeyta further discloses, the solution advisor tool of claim 17, wherein the design interface further includes a system for replacing generic products with specific Products (Abeyta, 6: 5 – 25, see drawing tools).

Regarding claim 19, program product version of claim 13, see reasoning above as previously discussed.

Regarding claim 20, the program product version of claim 12, see reasoning above as previously discussed generic characteristics with specific characteristics.

Regarding claim 21, the program product of claim 19, wherein the set of characteristics include products and functions, (Douik, 18: 1 – 15).

Regarding claim 22, Douik discloses all the claimed limitations as applied in claim 19 above, as well as storing information regarding configurations, network units and characteristics, (see Douik, 11: 65 – 12:5, for functional model of the network and for configuration also see 18: 15 – 30 for modeling and managed object definitions). Although Douik doesn't explicitly disclose a system for storing and managing information regarding the clouds, Douik does disclose in 21:20 – 27, a model description and corresponding graphical representation. Abeyta in an analogous art discloses a cloud tool for creating, and viewing Illustrations of a network systems 3: 40 –

65, including DBMS, see 4: 15 – 30 as well as being able to manipulate the clouds to perform changes, design suggestions, comments and provide design information 5:13 – 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Douik and Abeyta because, using the clouds to represent the system would enable the system to be more visual as well as provide editing for the marked up designs (Abeyta, 2: 25 – 33).

Regarding claim 23, see reasoning in claim 4.

Regarding claim 24, Abeyta, further discloses the solution advisor tool of claim 23, wherein the cloud knowledge base includes business need clouds that contain application cloud network units and application gateway network units (Abeyta, 3: 55 – 4: 20, see, LANs, WANs, also see CGI).

Regarding claim 25, the solution advisor tool of claim 23, wherein the cloud knowledge base includes application clouds that contain transport cloud network units and transport gateway network units (Abeyta, 3: 55 – 4: 20, see, common gateway interface, CGI).

Regarding claim 26, the solution advisor tool of claim 23, wherein the cloud knowledge base includes transport clouds that contain bridged cloud network units, subnetwork cloud network units and subnetwork gateway network units (Abeyta, FIG. 1, and FIG. 2).

Regarding claim 27, the solution advisor tool of claim 23, wherein the cloud knowledge base includes bridged clouds that contain subnetwork cloud network units and subnetwork gateway network units (Abeyta, FIG. 1, and FIG. 2).

Regarding claim 28, the solution advisor tool of claim 23, wherein the cloud knowledge base includes subnetwork clouds which contain gateway network units (Abeyta, 3: 55 – 4: 20, see, common gateway interface, CGI).

Regarding claim 29, see reasoning in claim 11.

### ***Correspondence Information***



Application/Control Number: 09/935,318  
Art Unit: 2122

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Any inquiries concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (703) 305-4552. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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For facsimile (fax) send to 703-7467239 official and 703-7467240

draft.

CK.

A handwritten signature in black ink, appearing to read "Anthony Nguyen-Ba". The signature is fluid and cursive, with the last name "Nguyen-Ba" being more prominent.

**ANTHONY NGUYEN-BA  
PRIMARY EXAMINER**